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People's Counsel

March 6, 2026

Brinda Westbrook-Sedgwick
Commission Secretary
Public Service Commission
of the District of Columbia
1325 G Street, N.W., Suite 800
Washington, D.C. 20005

**Re: Formal Case No. 1176, In the Matter of the Potomac Electric Power Company
for Authority to Implement a Multiyear Rate Plan for Electric Distribution Service
in the District of Columbia**

Dear Ms. Westbrook-Sedgwick:

Enclosed for filing in the above-referenced proceeding, please find the *Office of the People's Counsel for the District of Columbia's Motion to Suspend Rates Under Multi-Year Rate Plan Approved Under Order No. 22328, Restore the Previously Approved Rates Prior to Order No. 22328 and Issue Refunds to Residential Ratepayers.*

If there are any questions regarding this matter, please contact me at 202.727.3071.

Sincerely,

/s/ Ankush Nayar
Ankush Nayar
Assistant People's Counsel

Enclosure

cc: Parties of record

**BEFORE THE
PUBLIC SERVICE COMMISSION
OF THE DISTRICT OF COLUMBIA**

In the Matter of the	§	
Application of the Potomac Electric Power	§	
Company for Authority	§	
to Implement a Multiyear Rate	§	Formal Case No. 1176
Plan for Electric Distribution Service	§	
in the District of Columbia	§	

**THE OFFICE OF THE PEOPLE’S COUNSEL’S MOTION TO SUSPEND
RATES UNDER MULTI-YEAR RATE PLAN APPROVED UNDER ORDER
NO. 22328, RESTORE THE PREVIOUSLY APPROVED RATES PRIOR TO
ORDER NO. 22328 AND ISSUE REFUNDS
TO RESIDENTIAL RATEPAYERS**

I. INTRODUCTION

Pursuant to Rule 105.8 of the Public Service Commission of the District of Columbia’s (“PSC” or “Commission”) Rules of Practice and Procedure,¹ the Office of the People’s Counsel for the District of Columbia (“Office” or “OPC”), the statutory representative for the District of Columbia (“District”) ratepayers with respect to utility matters,² respectfully moves to restore the original rates for distribution service in place prior to January 1, 2025, for the Potomac Electric Power Company (“Pepco”). Specifically, OPC moves that the distribution rate schedule in place prior to the issuance of Commission Order No. 22328³ be restored immediately, and by no later than April 1, 2026, following the decision by the Court of Appeals for the District of Columbia

¹ 15 DCMR § 105.8.

² D.C. Code § 34-804.

³ *Formal Case No. 1176, In the Matter of the Application of Potomac Electric Power Company for Authority to Implement a Multiyear Rate Plan for Electric Distribution Service in the District of Columbia* (“*Formal Case No. 1176*”), Order No. 22328, rel., Nov. 26, 2024 (“*Order 22328*”).

issued on March 5, 2026,⁴ which vacated that Commission order as well as Commission Order No. 22358.⁵ Furthermore, OPC moves that Pepco refund the rates charged to ratepayers from January 1, 2025, through the date the Commission restores the pre-existing rates.

II. BACKGROUND

On April 13, 2023, Pepco filed an application for approval to increase rates by implementing a Multiyear Rate Plan (“MRP”) for its electric distribution service in the District from 2024 through 2026.⁶

On November 26, 2024, a majority of the Public Service Commission of the District of Columbia approved a modified version of Pepco’s Multiyear Rate Plan (“MRP”) application, granting the utility an increase of \$123.4 million over the years 2025-2026 via Order No. 22328.⁷

The Office filed an Application for Reconsideration of Commission Order No. 22328 on December 26, 2024.⁸ The Commission denied the Office’s Application on January 28, 2025, via Order No. 22358.⁹

The Office appealed the Commission’s orders to the DC Court of Appeals and argued the case on October 28, 2025.

⁴ *Office of the People’s Counsel, et al, v. D.C. Public Service Comm’n*, Nos. 25-AA-0250 &25-AA-0310 (March 5, 2026) (“Vacatur Decision”).

⁵ *Formal Case No. 1176*, Order No. 22358, rel., Jan. 28, 2025 (“Order 22358”).

⁶ *Formal Case No. 1176*, Application of Potomac Electric Power Company for Authority to Implement a Multiyear Rate Plan for Electric Distribution Service in the District of Columbia, filed April 13, 2023.

⁷ *Formal Case No. 1176*, Order No. 22328, rel. Nov. 26, 2024.

⁸ *Formal Case No. 1176, Office of the People’s Counsel for the District of Columbia’s Application for Reconsideration and Request for Clarification*, filed Dec. 26, 2024 (“OPC Application”).

⁹ *Formal Case No. 1176*, Order No. 22358, rel., Jan. 28, 2025

On March 5, 2026, the District of Columbia Court of Appeals issued its decision vacating Order No. 22328 and Order No. 22358, which approved Pepco’s 2024–2026 multi-year rate plan.¹⁰

III. DISCUSSION

A. Vacatur of Order Nos. 22328 and 22358 eliminate the legal authority for Pepco to charge and continue charging the rates established in those orders

A vacated order has no legal effect. When a court vacates a ratemaking order, the regulatory authorization upon which the rates depend is invalid.

Because the Court of Appeals vacated Order Nos. 22328 and 22358, Pepco no longer has lawful authority to charge the rates established in those orders. Allowing Pepco to continue collecting rates established in Order Nos. 22328 and 22358 “would be to give perpetual legal effect to an unlawful order[.]”¹¹ Consequently, in light of the Court’s Vacatur Decision, the Commission must restore the last lawful rates, namely the distribution rates in effect prior to the issuance of Order No. 22328.¹² Immediate restoration of those rates is necessary to ensure that Pepco is not collecting charges that lack legal authorization.

B. Customers are entitled to credits for amounts collected under the vacated orders

The Court’s Vacatur Decision renders collections under Order No. 22328 improper. In order to restore customers to the position they would have occupied absent the unlawful order, the

¹⁰ See Vacatur Decision at 2-3 (finding Order Nos. 22328 and 22358 to be “unsustainable” and “vacat[ing] the Commission’s orders approving Pepco’s 2024-2026 rate plan”); see also *id.* at 22 (“vacat[ing] Order Nos. 22328 & 22358”).

¹¹ *Pepco v. Pub. Serv. Comm’n*, 380 A.2d 126, 148 (D.C. 1978).

¹² “The filed rate doctrine ‘forbids a regulated entity to charge rates for its services other than those properly filed with the appropriate ... regulatory authority.’” See *Watergate East v. Pub. Serv. Comm’n*, 662 A. 2d 881, 888 (D.C. 1995) (quoting *Ark. La. Gas Co. v. Hall*, 453 U.S. 571, 577 (1981)). In light of the Vacatur Decision, the rates authorized by Order Nos. 22328 and 22358 are not “properly filed” and, therefore, are impermissible.

Commission should require Pepco to calculate the difference between revenues collected under the vacated Order No. 22328 and the revenues that would have been collected under the previously authorized rates; allocate those amounts to customers consistent with the manner in which the charges were originally collected; and return those amounts to customers in the form of bill credits or refunds.

The credit period should begin on the date the Commission requires Pepco to stop collecting the most current rates, back to the date when Pepco established rates based on the last lawful order granting a rate increase, i.e., the rates established in Formal Case No. 1156.

C. Prompt Commission action is necessary to enforce the filed rate doctrine and preserve the integrity of the ratemaking process

Allowing Pepco to continue collecting rates authorized by vacated orders would undermine both the authority of the District of Columbia Court of Appeals and the integrity of the Commission's ratemaking authority. Therefore, the filed rate doctrine mandates that immediate restoration of lawful rates and customer credits is essential not only to protect consumers but also to maintain public confidence in the Commission's regulatory processes.

IV. REQUESTED RELIEF

For the foregoing reasons, the Office of the People's Counsel respectfully requests that the Commission:

1. Order Pepco to immediately revert its distribution rates to the levels in effect immediately prior to the issuance of Order No. 22328.

2. Direct Pepco to calculate, within thirty (30) days, the total amounts collected from customers under the vacated order from March 5, 2026, forward that exceed the revenues that would have been collected under the prior lawful rates.
3. Require Pepco to file those calculations with the Commission and, upon Commission approval, issue customer bill credits (or refunds where appropriate) in the next billing cycle.
4. Grant such other relief as the Commission deems necessary to implement the judgment of the District of Columbia Court of Appeals and ensure District consumers are made whole.

V. CONCLUSION

WHEREFORE, the Office of the People's Counsel respectfully requests that the Commission grant this motion and take immediate steps to restore lawful rates and ensure that District ratepayers receive appropriate credits.

Respectfully submitted,



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Date: March 6, 2026

CERTIFICATE OF SERVICE

Formal Case No. 1176, In the Matter of the Potomac Electric Power Company for Authority to Implement a Multiyear Rate Plan for Electric Distribution Service in the District of Columbia

I certify that on March 6, 2026, a copy of the *Office of the People's Counsel's Motion to Suspend Rates Under Multi-Year Rate Plan Approved Under Order No. 22328, Restore the Previously Approved Rates Prior to Order No. 22328 and Issue Refunds to Residential Ratepayers* was served on the following parties of record by hand delivery, first class mail, postage prepaid or electronic mail:

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